

RESOLUTION

WHEREAS, on April 17, 2012 , the City Council of the City of El Paso approved Retail Rates to be charged in the City of El Paso resulting from El Paso Electric Company's Statement of Intent to Increase Rates dated February 1, 2012, establishing the electric utility rates within the City of El Paso effective May 1, 2012;

WHEREAS, the City of El Paso maintains original jurisdiction over rates of El Paso Electric Company for rates charged within the City limits of the City of El Paso;

WHEREAS, on August 13, 2012, El Paso Electric Company filed with the City of El Paso an Application to implement Rate Schedule 25A-Large Power Service—Experimental Off-Peak Rate specifying an effective date of September 1, 2012;

WHEREAS, on August 10, 2012, EPE filed a case at the Public Utility Commission of Texas, Docket 40641, seeking the same rate in areas over which the Public Utility Commission has original jurisdiction;

WHEREAS, The City intervened in Docket No. 40641 at the Public Utility Commission of Texas;

WHEREAS, on August 28, 2012, the City Council of The City of El Paso suspended the implementation of the proposed rate for thirty days;

WHEREAS, Texas Utilities Code Section 36.103(b) provides that the Public Notice Provisions of Section 36.103(a) may be waived in instances in which only a rate reduction will occur for each affected customer so long as the utility gives notice of the proposed rate change to each affected customer by mail;

WHEREAS, although there are no customers currently on the rate, EPE has notified the four customers in its Texas service area by providing them with a copy of the filing at the Public Utility Commission of Texas;

WHEREAS, El Paso Electric Company has indicated in its filing that the proposed Rate Schedule 25A-Large Power Service—Experimental Off-Peak Rate would provide benefits to certain customers in the class which have capability of shifting their peak load to off peak hours, and;

WHEREAS, the Proposed Tariff Rider for Rate Schedule 25A provides no increases and only reductions to affected customers;

WHEREAS, El Paso Electric Company published notice of the Proposed Change in the El Paso Times on August 19, 2011 in Spanish and in English and has provided an affidavit which attests to the publication;

WHEREAS, The City Council finds that it has incurred rate case expenses for the consideration of this request in the approximate amount of \$3,300.00, and that such amount is reasonable;

WHEREAS, El Paso Electric Company has requested that the El Paso City Council approve the Rate; and

WHEREAS, the City Council finds the Rate to be just and reasonable and that approval of these rate changes will not adversely affect any other customer classes or rates at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

1. El Paso Electric is hereby authorized to implement Rate Schedule 25A-Large Power Service—Experimental Off-Peak Rate effective October 1, 2012.
2. Pursuant to Texas Utilities Code Sec. 39.103(b) the City of El Paso waives the requirement that the Notice of the Statement of Intent be published once each week for four successive weeks in a newspaper having general circulation in each county containing territory affected by the proposed change.
3. That El Paso Electric Company shall reimburse the City of El Paso its reasonable rate case expenses in an amount not to exceed \$3,300.00 within thirty days of being invoiced by the City.
4. That the City Attorney be authorized to sign documents settling the companion case, Docket 40641 at the Public Utility Commission of Texas.
5. Nothing in this Resolution or approval shall operate or be construed to be a precedent or approval of any of the concepts contained in the Rider including the implementation date, or effective date of the Rider in any other circumstance.

PASSED AND APPROVED this _____ day of September, 2012

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:

William F. Studer, Jr., Deputy City Manager
Development and Tourism

EL PASO ELECTRIC COMPANY
SCHEDULE NO. 25A
LARGE POWER SERVICE – EXPERIMENTAL OFF-PEAK RATE

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APPLICABILITY

This rate is available to all Customers for lighting, power, and heating service with a highest measured demand as defined by the Determination of Billing Demand. Service under this rate shall be limited to Customers who otherwise do not qualify for service under the Company's other rates and whose highest measured demand, during the current month and previous (11) month period, exceeded six hundred (600) kW, in any month.

This rate is further limited to Customers whose average load factor, during the current month and previous eleven (11) month period, does not exceed thirty percent (30%).

This rate is not available for standby, temporary, resale, or interruptible service.

TERRITORY

Texas Service Area

TYPE OF SERVICE

The type of service available will be determined by the Company and will be either single or three-phase at the option of the Company and at a standard Company-approved voltage. All service will be taken at the point of delivery designated by the Company and at one of the Company's standard types of service. Electric energy will be measured by a single meter, or other measuring device, of each kind needed.

MONTHLY RATE

	Secondary Voltage	Primary Voltage	Transmission Voltage
Customer Charge	\$100.00	\$100.00	\$200.00
Demand Charge per kW			
On-Peak	\$20.19	\$19.83	\$19.12
Maximum	\$12.98	\$11.93	\$11.06
Energy Charge per kWh			
On-Peak	\$0.13292	\$0.12998	\$0.12619
Off-Peak	\$0.00720	\$0.00709	\$0.00694

The on-peak period shall be from 12:00 P.M. to 6:00 P.M., Mountain Daylight Time, Monday through Friday, for the months of June through September. The off-peak period shall be all other hours not covered in the on-peak period.

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On-Peak Demand Charges for the billing months of June and October will be prorated based upon the number of on-peak demand days contained in the billing month for the Customer.

MONTHLY MINIMUM

Customer Charge plus the applicable demand charge.

DETERMINATION OF BILLING DEMAND

The demand charge will be the sum of the maximum billing demand times the applicable rate and the on-peak billing demand times the applicable rate.

Maximum demand will be defined as the highest thirty (30) minute average kilowatt (kW) load determined by measurement.

The maximum billing demand will be the highest of:

- A. 600 kW; or,
- B. The highest measured demand; or,
- C. 75% of the highest measured demand established in the billing months of June through September in the twelve (12) month period ending with the current month.

The on-peak billing demand will be the higher of:

- A. The highest measured demand during the on-peak hours; or,
- B. 100% of the highest measured demand established in the billing months of June through September in the twelve (12) month period ending with the current month.

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POWER FACTOR ADJUSTMENT

If the power factor at the time of the highest measured thirty (30) minute interval kilowatt (kW) demand for the entire plant is below 90% lagging, a power factor adjustment shall be calculated as follows:

$ADJ = ((kW \times .95 / PF) - kW) \times DC$, where

ADJ = Increase to applicable Demand Charge,
kW = Monthly Billing Demand,
PF = Monthly measured Power Factor, and
DC = Demand Charge.

METER VOLTAGE ADJUSTMENT

If electric service is delivered on the high voltage side of a Customer-supplied transformer, but metered on the low voltage side of the transformer, the following meter adjustments shall be made and primary voltage shall apply:

Adjusted Maximum kW Demand = Metered Maximum kilowatts multiplied by 1.015
Billing kilowatt-hours = Metered kilowatt-hours multiplied by 1.021

If electric service is delivered on the low voltage side of a Company-owned transformer and metered on the high voltage side of the transformer, the following meter adjustments shall be made and secondary voltage shall apply:

Adjusted Maximum kW Demand = Metered Maximum kilowatts divided by 1.015
Billing kilowatt-hours = Metered kilowatt-hours divided by 1.021

FIXED FUEL FACTOR

The above rates are subject to the provisions of the Company's Tariff Schedule No. 98, entitled Fixed Fuel Factor.

ENERGY EFFICIENCY COST RECOVERY FACTOR

The above rates, excluding the Transmission Voltage rate, are subject to the provisions of the Company's Tariff Schedule No. 97, entitled Energy Efficiency Cost Recovery Factor.

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MILITARY BASE DISCOUNT RECOVERY FACTOR

The above rates are subject to the provisions of the Company's Tariff Schedule No. 96, entitled Military Base Discount Recovery Factor.

TERMS OF PAYMENT

The due date of the bill for utility service shall not be less than sixteen (16) days after issuance. A bill becomes delinquent if not received at the Company by the due date.

TERMS AND CONDITIONS

The Company's Rules and Regulations apply to service under this rate schedule.

Service under this tariff will be available by calendar year beginning on January 1 of each year. A Customer requesting service under this rate must sign an agreement for service and provide the signed agreement to EPE prior to January 1 of the initial year of taking service under the agreement. After the initial calendar year, the agreement will automatically renew for the subsequent calendar year unless the Customer provides written notice to the Company of their cancellation of service under this rate on or before December 1 prior to the renewal year. For 2012 only, a Customer may begin service under this rate prior to January 2013, but the Customer must sign an agreement for the remainder of 2012 and all of calendar year 2013.

A Customer taking service under this rate whose average load factor during the current month and previous eleven (11) month period is greater than 30% for two (2) consecutive months shall be declared ineligible for this rate and will be billed for the current month and thereafter under the retail rate currently in effect and otherwise applicable to the Customer. The Customer shall again qualify for service under this rate in the first month after its average load factor during the current month and previous eleven (11) month period remains below 30%.

The Company, at its option, may request payment for any special metering installation costs required for the Customer to take service under this rate.

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